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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Olympus Insurance Company,

Plaintiff,

vs.

Cara Barber; Ohana Military
Communities, LCC; Forest City
Residential Management, Inc.,

Defendants.

) Civ. No. 17-CV-00254 HG-KJM

)
) DEFENDANT CARA BARBER'S
) MEMORANDUM IN OPPOSITION TO
) [49] PLAINTIFF OLYMPUS
) INSURANCE COMPANY'S MOTION
) FOR LEAVE TO FILE FIRST AMENDED
) COMPLAINT FOR DECLARATORY
) RELIEF; MEMORANDUM IN SUPPORT
) OF MOTION; CERTIFICATE OF
) SERVICE

) HEARING:

) Date: September 19, 2018

) Time: 10:00 a.m.

) Magistrate Judge: Kenneth J. Mansfield

**DEFENDANT CARA BARBER'S MEMORANDUM IN OPPOSITION TO
[49] PLAINTIFF OLYMPUS INSURANCE COMPANY'S
MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT
FOR DECLARATORY RELIEF**

Defendant CARA BARBER (hereinafter “Defendant Barber”), by and through her attorneys, Revere and Associates, LLC and SmithLaw, hereby submits her Memorandum In Opposition to [49] Plaintiff Olympus Insurance Company's Motion for Leave to File First Amended Complaint for Declaratory Relief.

DATED: Honolulu, Hawaii, August 29, 2018.

/s/Terrance M. Revere
TERRANCE M. SMITH
P. KYLE SMITH
Attorneys for Defendant
CARA BARBER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Olympus Insurance Company,)	Civ. No. 17-CV-00254 HG-KJM
)	
Plaintiff,)	MEMORANDUM IN SUPPORT
)	OF MOTION
vs.)	
)	
Cara Barber; Ohana Military)	
Communities, LCC; Forest City)	
Residential Management, Inc.,)	
)	
Defendants.)	
_____)	

MEMORANDUM IN SUPPORT OF MOTION

Defendant Cara Barber ("Ms. Barber") respectfully submits that the Complaint should not be amended because the Court simply has no jurisdiction for the reasons pointed out in Ms. Barber's Motion to Dismiss For Lack of Jurisdiction [50] (i.e. all of the parties (Plaintiff Olympus, Defendant Barber and Defendants USAA are citizens of the same state, Florida). The likely granting of that motion makes the proposed amendment moot. Nothing in the proposed amended complaint cures the underlying lack of jurisdiction. Even if somehow the motion to dismiss is not granted, the Court can simply take the matter of amendment up at that time.

Based on the above, Plaintiff's Motion should be denied.

DATED: Honolulu, Hawaii, August 29, 2018.

/s/Terrance M. Revere
TERRANCE M. SMITH
P. KYLE SMITH
Attorneys for Defendant
CARA BARBER